

1 AMENDMENT TO HOUSE BILL 1495

2 AMENDMENT NO. _____. Amend House Bill 1495 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Toll Highway Act is amended by changing
5 Sections 10 and 11 and by adding Sections 20.2 and 23.5 as
6 follows:

7 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

8 Sec. 10. Authority powers. The Authority shall have
9 power:

10 (a) To pass resolutions, make by-laws, rules and
11 regulations for the management, regulation and control of its
12 affairs, and to fix tolls, and to make, enact and enforce all
13 needful rules and regulations in connection with the
14 construction, operation, management, care, regulation or
15 protection of its property or any toll highways, constructed
16 or reconstructed hereunder. After the effective date of this
17 amendatory Act of the 92nd General Assembly and through June
18 30, 2003, the Authority shall not charge or collect tolls at
19 a rate higher than the tolls in effect on March 21, 2002.

20 (a-5) To fix, assess, and collect civil fines for a
21 vehicle's operation on a toll highway without the required
22 toll having been paid. The Authority may establish by rule a

1 system of civil administrative adjudication to adjudicate
2 only alleged instances of a vehicle's operation on a toll
3 highway without the required toll having been paid, as
4 detected by the Authority's video surveillance system. Rules
5 establishing a system of civil administrative adjudication
6 must provide for written notice of the alleged violation and
7 an opportunity to be heard on the question of the violation
8 and must provide for the establishment of a toll-free
9 telephone number to receive inquiries concerning alleged
10 violations. Only civil fines may be imposed by
11 administrative adjudication. A fine may be imposed under
12 this paragraph only if a violation is established by a
13 preponderance of the evidence. Judicial review of all final
14 orders of the Authority under this paragraph shall be
15 conducted in accordance with the Administrative Review Law.

16 (b) To prescribe rules and regulations applicable to
17 traffic on highways under the jurisdiction of the Authority,
18 concerning:

19 (1) Types of vehicles permitted to use such
20 highways or parts thereof, and classification of such
21 vehicles;

22 (2) Designation of the lanes of traffic to be used
23 by the different types of vehicles permitted upon said
24 highways;

25 (3) Stopping, standing, and parking of vehicles;

26 (4) Control of traffic by means of police officers
27 or traffic control signals;

28 (5) Control or prohibition of processions, convoys,
29 and assemblages of vehicles and persons;

30 (6) Movement of traffic in one direction only on
31 designated portions of said highways;

32 (7) Control of the access, entrance, and exit of
33 vehicles and persons to and from said highways; and

34 (8) Preparation, location and installation of all

1 traffic signs; and to prescribe further rules and
2 regulations applicable to such traffic, concerning
3 matters not provided for either in the foregoing
4 enumeration or in the Illinois Vehicle Code. Notice of
5 such rules and regulations shall be posted conspicuously
6 and displayed at appropriate points and at reasonable
7 intervals along said highways, by clearly legible markers
8 or signs, to provide notice of the existence of such
9 rules and regulations to persons traveling on said
10 highways. At each toll station, the Authority shall make
11 available, free of charge, pamphlets containing all of
12 such rules and regulations.

13 (c) The Authority, in fixing the rate for tolls for the
14 privilege of using the said toll highways, is authorized and
15 directed, in fixing such rates, to base the same upon annual
16 estimates to be made, recorded and filed with the Authority.
17 Said estimates shall include the following: The estimated
18 total amount of the use of the toll highways; the estimated
19 amount of the revenue to be derived therefrom, which said
20 revenue, when added to all other receipts and income, will be
21 sufficient to pay the expense of maintaining and operating
22 said toll highways, including the administrative expenses of
23 the Authority, and to discharge all obligations of the
24 Authority as they become due and payable.

25 (d) To accept from any municipality or political
26 subdivision any lands, easements or rights in land needed for
27 the operation, construction, relocation or maintenance of any
28 toll highways, with or without payment therefor, and in its
29 discretion to reimburse any such municipality or political
30 subdivision out of its funds for any cost or expense incurred
31 in the acquisition of land, easements or rights in land, in
32 connection with the construction and relocation of the said
33 toll highways, widening, extending roads, streets or avenues
34 in connection therewith, or for the construction of any roads

1 or streets forming extension to and connections with or
2 between any toll highways, or for the cost or expense of
3 widening, grading, surfacing or improving any existing
4 streets or roads or the construction of any streets and roads
5 forming extensions of or connections with any toll highways
6 constructed, relocated, operated, maintained or regulated
7 hereunder by the Authority. Where property owned by a
8 municipality or political subdivision is necessary to the
9 construction of an approved toll highway, if the Authority
10 cannot reach an agreement with such municipality or political
11 subdivision and if the use to which the property is being put
12 in the hands of the municipality or political subdivision is
13 not essential to the existence or the administration of such
14 municipality or political subdivision, the Authority may
15 acquire the property by condemnation.

16 (e) To enter into a contract with a unit of local
17 government or other public or private entity under which the
18 Authority agrees to collect tolls, fees, or revenues by
19 electronic means on behalf of that entity.

20 (Source: P.A. 89-120, eff. 7-7-95.)

21 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

22 Sec. 11. The Authority shall have power:

23 (a) To enter upon lands, waters and premises in the
24 State for the purpose of making surveys, soundings, drillings
25 and examinations as may be necessary, expedient or convenient
26 for the purposes of this Act, and such entry shall not be
27 deemed to be a trespass, nor shall an entry for such purpose
28 be deemed an entry under any condemnation proceedings which
29 may be then pending; provided, however, that the Authority
30 shall make reimbursement for any actual damage resulting to
31 such lands, waters and premises as the result of such
32 activities.

33 (b) To construct, maintain and operate stations for the

1 collection of tolls or charges upon and along any toll
2 highways.

3 (c) To provide for the collection of tolls and charges
4 for the privilege of using the said toll highways. Before it
5 adopts an increase in the rates for toll, the Authority shall
6 hold a public hearing at which any person may appear, express
7 opinions, suggestions, or objections, or direct inquiries
8 relating to the proposed increase. Any person may submit a
9 written statement to the Authority at the hearing, whether
10 appearing in person or not. The hearing shall be held in the
11 county in which the proposed increase of the rates is to take
12 place.

13 The Authority shall give notice of the hearing by
14 advertisement on 3 successive days at least 15 days prior to
15 the date of the hearing in a daily newspaper of general
16 circulation within the county within which the hearing is
17 held. The notice shall state the date, time, and place of
18 the hearing, shall contain a description of the proposed
19 increase, and shall specify how interested persons may obtain
20 copies of any reports, resolutions, or certificates
21 describing the basis on which the proposed change,
22 alteration, or modification was calculated.

23 The Authority may not hold more than one hearing on the
24 same day in connection with a proposed increase in the rates
25 for toll under this subsection. The Authority must schedule a
26 minimum of 4 hours for each such hearing. At least 3
27 directors of the Authority must be present at each such
28 hearing, and each such director must be present for the
29 entire duration of the hearing.

30 After consideration of any statements filed or oral
31 opinions, suggestions, objections, or inquiries made at the
32 hearing, the Authority may proceed to adopt the proposed
33 increase of the rates for toll. No change or alteration in
34 or modification of the rates for toll shall be effective

1 unless at least 30 days prior to the effective date of such
2 rates notice thereof shall be given to the public by
3 publication in a newspaper of general circulation, and such
4 notice, or notices, thereof shall be posted and publicly
5 displayed at each and every toll station upon or along said
6 toll highways.

7 (d) To construct, at the Authority's discretion, grade
8 separations at intersections with any railroads, waterways,
9 street railways, streets, thoroughfares, public roads or
10 highways intersected by the said toll highways, and to change
11 and adjust the lines and grades thereof so as to accommodate
12 the same to the design of such grade separation and to
13 construct interchange improvements. The Authority is
14 authorized to provide such grade separations or interchange
15 improvements at its own cost or to enter into contracts or
16 agreements with reference to division of cost therefor with
17 any municipality or political subdivision of the State of
18 Illinois, or with the Federal Government, or any agency
19 thereof, or with any corporation, individual, firm, person or
20 association. Where such structures have been built by the
21 Authority and a local highway agency did not enter into an
22 agreement to the contrary, the Authority shall maintain the
23 entire structure, including the road surface, at the
24 Authority's expense.

25 (e) To contract with and grant concessions to or lease
26 or license to any person, partnership, firm, association or
27 corporation so desiring the use of any part of any toll
28 highways, excluding the paved portion thereof, but including
29 the right of way adjoining, under, or over said paved portion
30 for the placing of telephone, telegraph, electric, power
31 lines and other utilities, and for the placing of pipe lines,
32 and to enter into operating agreements with or to contract
33 with and grant concessions to or to lease to any person,
34 partnership, firm, association or corporation so desiring the

1 use of any part of the toll highways, excluding the paved
2 portion thereof, but including the right of way adjoining, or
3 over said paved portion for motor fuel service stations and
4 facilities, garages, stores and restaurants, or for any other
5 lawful purpose, and to fix the terms, conditions, rents,
6 rates and charges for such use.

7 The Authority shall also have power to establish
8 reasonable regulations for the installation, construction,
9 maintenance, repair, renewal, relocation and removal of
10 pipes, mains, conduits, cables, wires, towers, poles and
11 other equipment and appliances (herein called public
12 utilities) of any public utility as defined in the Public
13 Utilities Act along, over or under any toll road project.
14 Whenever the Authority shall determine that it is necessary
15 that any such public utility facilities which now are located
16 in, on, along, over or under any project or projects be
17 relocated or removed entirely from any such project or
18 projects, the public utility owning or operating such
19 facilities shall relocate or remove the same in accordance
20 with the order of the Authority. All costs and expenses of
21 such relocation or removal, including the cost of installing
22 such facilities in a new location or locations, and the cost
23 of any land or lands, or interest in land, or any other
24 rights required to accomplish such relocation or removal
25 shall be ascertained and paid by the Authority as a part of
26 the cost of any such project or projects, and further, there
27 shall be no rent, fee or other charge of any kind imposed
28 upon the public utility owning or operating any facilities
29 ordered relocated on the properties of the said Authority and
30 the said Authority shall grant to the said public utility
31 owning or operating said facilities and its successors and
32 assigns the right to operate the same in the new location or
33 locations for as long a period and upon the same terms and
34 conditions as it had the right to maintain and operate such

1 facilities in their former location or locations.

2 (Source: P.A. 90-681, eff. 7-31-98.)

3 (605 ILCS 10/20.2 new)

4 Sec. 20.2. Comprehensive Strategic Financial Plan.

5 (a) The Authority must submit to the General Assembly,
6 not later than December 31, 2002, a 20-year comprehensive
7 strategic financial plan. The plan must include detailed
8 information regarding the Authority's income, expenditures,
9 debt, capital needs, and the cost of any planned toll highway
10 extensions. The Authority must provide detailed and specific
11 information regarding how it will fund its debt, unfunded
12 capital needs, and the planned toll highway extensions. This
13 information must include the possibility of obtaining federal
14 funds, both loans and grants, under the Transportation
15 Infrastructure Innovation Act or other federal programs.

16 (b) Before submitting the plan under subsection (a), the
17 Authority must hold at least 2 public hearings at which any
18 person may appear, express opinions, suggestions, or
19 objections, or direct inquiries relating to the proposed
20 plan. The Authority may not hold more than one hearing on the
21 same day in connection with the proposed plan. The Authority
22 must schedule a minimum of 4 hours for each such hearing. At
23 least 3 directors of the Authority must be present at each
24 such hearing, and each such director must be present for the
25 entire duration of the hearing.

26 (605 ILCS 10/23.5 new)

27 Sec. 23.5. Management audit.

28 (a) The Auditor General shall conduct a management audit
29 of the State's toll highway operations and management.

30 (b) The purpose of the audit shall be to determine
31 whether the Authority is managing or using its resources,
32 including toll and investment-generated revenue, personnel,

1 property, equipment, and space, in an economical and
2 efficient manner. The audit shall also determine the causes
3 of any inefficiencies or uneconomical practices, including
4 inadequacies in management information systems, internal and
5 administrative procedures, organizational structure, use of
6 resources, allocation of personnel, purchasing policies, and
7 equipment. In addition to these matters, the audit shall
8 specifically examine the process by which the Authority
9 collects, transports, and counts toll collections.

10 (c) The Auditor General shall report his or her
11 preliminary findings to the Governor and the General Assembly
12 no later than April 15, 2003 and shall report the complete
13 audit to the Governor and the General Assembly no later than
14 June 30, 2003.

15 (d) The Authority shall pay the cost of the audit
16 conducted under this Section.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."